

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1-29 and 33-71 were pending in the application with claims 18-29 and 33-71 being withdrawn. Claims 15-29 and 33-71 have been canceled without prejudice. No new matter has been added. Claims 1-14 are now pending in this application with claim 1 being independent.

#### **Double Patenting Rejection**

Claims 1-17 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-25 and 51-68 of co-pending Application No. 10/343,693. Without acceding to the correctness of this rejection, Applicant is filing a Terminal Disclaimer to address the rejection. Accordingly, Applicant respectfully requests withdrawal to claim rejection on this ground.

#### **Rejection of Claims 1 and 3-13**

Claims 1 and 3-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,628,944 (Nagasaka).

Independent claim 1 recites the step of injecting the first and second polyurethanes into a mould before the polymerization reactions associated with the production of the first and second polyurethanes are complete so polymerization reactions between the first and second polyurethanes occur in the mold. Applicant fails to observe where Nagasaka teaches or renders obvious this step. Because each limitation is not taught or rendered obvious by Nagasaka, claim 1 is patentable over Nagasaka. The remaining claims that stand rejected on this ground are patentable over Nagasaka for at least this reason.

Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

#### **Rejection of Claims 15-17**

Claims 15-17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,642,964 (Rausch, Jr.).

Without acceding to the correctness of this rejection, Applicant has cancelled these claims.

Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

#### Rejection of Claim 2

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nagasaka in view of U.S. Patent No. 5,271,118 (Piotrowitz).

Claim 2 depends from claim 1 which is patentable over Nagasaka for reasons noted above. Piotrowitz fails to cure the deficiency of Nagasaka with respect to claim 1 and, thus, also this dependent claim. Therefore, the combination of Nagasaka in view of Piotrowitz fails to teach or make obvious each limitation of claim 2.

Accordingly, Applicant respectfully requests withdrawal of the claim rejection on this ground.

#### Rejection of Claim 14

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nagasaka in view of Rausch, Jr.

Claim 14 depends from claim 1 which is patentable over Nagasaka for reasons noted above. Rausch, Jr. fails to cure the deficiency of Nagasaka with respect to claim 1 and, thus, also this dependent claim. Therefore, the combination of Nagasaka in view of Rausch, Jr. fails to teach or make obvious each limitation of claim 14.

Accordingly, Applicant respectfully requests withdrawal of the claim rejection on this ground.

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Respectfully submitted,

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